IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT APPEAL No. 151 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/01/2005 in WP No. 437 OF 2005 on the file of the High Court.)

Between:

Pillarisettil Naga Venkata Rama Rao, S/o Prakash Rao,
D.No. 22/152, English Palem, Machilipatnam, Krishna District.

..... APPELLANT

AND

1. The Regional Manager, APSRTC, Krishna Region, Vijayawada, Krishna District.
2. The Divisional Manager, APSRTC, Machilipatnam, Krishna District.
3. The Depot Manager, APSRTC, Machilipatnam, Krishna District.

.....RESPONDENTS

Counsel for the Appellant: Mrs. Y.ANUPAMA DEVI

Counsel for the Respondents: Mr. R.MANMADHA REDDY

SC for A.P.S.R.T.C.

The Court made the following :

ORAL JUDGMENT:

(per Honourable Sri Devinder Gupta, the Chief Justice)

On 6.11.2004 and 25.11.2004, show-cause notices were issued to the petitioner-appellant, as to why his licence be not terminated for failing to make payment of licence fee from July, 2004 to October, 2004. Full amount was not paid. According to the learned counsel for the petitioner-appellant, arrears for one month were cleared. There was financial crunch because of the seasonal effects. But, abruptly, on 22.12.2004, order was passed terminating the licence, without taking note of the payment already made. Writ Petition filed has been dismissed. Writ Appeal has, therefore, been filed now.

As of today, the petitioner is continuing with the booth in question, and, as regards the current charges, according to the learned counsel for the petitioner, up-to-date payment is made though there has been adverse effect on the business because of the tsunami. The Booth is stated to be at Machilipatnam bus station, which is one of the areas directly affected by the tsunami.

Therefore, on considering the facts and circumstances of the case, we direct that if payment of the arrears of licence fees along with interest thereon at the rate of 3 per cent per month is made by the petitioner to the respondent within a period of one month from today, the order of termination shall stand cancelled. On failure to comply with this direction, the order of termination shall remain effective and in operation.

With the above observations, the Writ Appeal stands dismissed. No costs.

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DEVINDER GUPTA, C.J.

1.2.2005.

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M.NARAYANA REDDY, J.

VR.

Note:

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(BO).

To

1. The Regional Manager, APSRTC, Krishna Region, Vijayawada, Krishna District.
2. The Divisional Manager, APSRTC, Machilipatnam, Krishna District.
3. The Depot Manager, APSRTC, Machilipatnam, Krishna District.

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